

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 18-1987 (DSD/DTS)

Robert Earl Leatherberry,  
Petitioner,

v.

**ORDER**

Jeff Titus,  
Respondent.

Robert Leatherberry, OID 235316, Minnesota Correctional Facility, 7600 525th Street, Rush City, MN 55069, petitioner pro se.

This matter is before the court upon the report and recommendation of Magistrate Judge David T. Schultz, dated September 13, 2018 (R&R). The magistrate judge recommended that the court deny petitioner Robert Earl Leatherberry's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 for failure to exhaust administrative remedies. No objections to the R&R have been filed within the time period permitted. Under these circumstances, the court finds it appropriate to adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 5] is adopted in its entirety; and
2. Leatherberry's application for a writ of habeas corpus [ECF No. 1] is denied without prejudice.

Dated: October 5, 2018

s/David S. Doty  
David S. Doty, Judge  
United States District Court